



1635
#133
R
6-26-02
PATENT
ATTY. DOCKET NO.: JHU1120-13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant: Lee and McPherron
Application No.: 09/640,887
Filed: August 17, 2000
Title: GROWTH DIFFERENTIATION FACTOR-8 NUCLEIC ACID AND
POLYPEPTIDE FROM AQUATIC SPECIES, AND TRANSGENIC
AQUATIC SPECIES

Art Unit: 1635
Examiner: J. Angell

JUN 24 2002

TECH CENTER 1600/2900

Box Sequence

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

TRANSMITTAL LETTER

Sir:

In connection with the response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 13, 2002, Applicants provide herewith a substitute computer readable and a paper copy of the Sequence Listing in accordance with 37 C.F.R. §§ 1.821 – 1.825 *et seq.*

Transmitted herewith for the above-identified application please find:

1. Statement Under 37 C.F.R. §§ 1.821(f), (g) and 37 C.F.R. §§ 1.825(a), (b) and (d) (2 pgs.);
2. Verified Statement Under 37 C.F.R. § 1.821(f) (1 pg.);
3. Amendment Supporting Substitute Copy of Sequence Listing (3 pgs.);
4. Substitute Sequence Listing (40 pgs.);
5. Copy of Notice to Comply with Nucleic Acid/Amino Acid Sequence Rules (2 pgs.);
6. Substitute Sequence Listing in computer readable form (3.5" disk); and
7. Return Postcard

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>June 12, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327. Arlington, VA 22202.	
Mikhail Bayley	
Name of Person Mailing Paper	Date
<i>Mikhail Bayley</i>	June 12, 2002
Signature	Date

In re Application of:
Lee and McPherron
Application No.: 09/640,887
Filed: August 17, 2000
Page 2

PATENT
ATTY. DOCKET NO.: JHU1120-13

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: June 12, 2002



Lisa A. Haile, Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

USPTO Customer Number: 28213

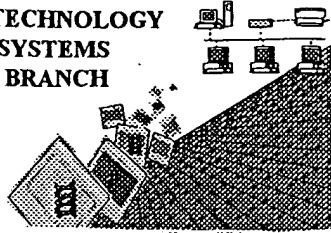
1600 1675

Applicant's Copy

1600



BIOTECHNOLOGY
SYSTEMS
BRANCH



CRF Problem Report

TECH CENTER 1600/2900

FEB 01 2002

RECEIVED

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/640,887
Filing Date: 8/17/2000
Date Processed by STIC: 1/23/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. **EFS-Bio** (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), **EFS Submission User Manual - ePAVE**
2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. **Hand Carry directly to:**
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. **Federal Express, United Parcel Service, or other delivery service to:** U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202



Applicant's Copy
Application No. 09/640887

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

4. A copy of the "Sequence Listing" in computer readable form has been submitted, however, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

7.

Other: _____

Applicant must provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123

For CRF submission help, call (703) 308-4212

For PatentIn software help, call (703) 557-0400